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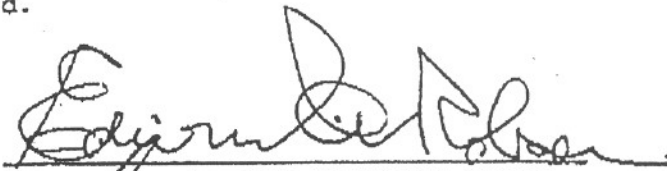
barring nonclass plaintiffs from asserting any claims for damages other than for alleged overcharges especially where, as here, we do not know upon what damage theory they are proceeding.

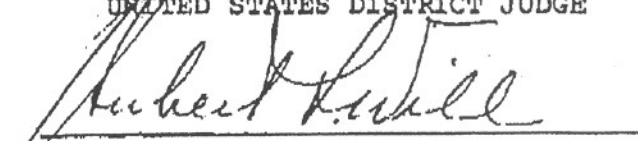
Defendants' suggestion that the named plaintiffs, as class representatives, are waiving consequential damages of class members and that the representatives lack authority to do so misses the mark. At this time, we have simply received a representation from counsel for the class representatives that no class plaintiff seeks or will seek to recover for lost profits. At this time, we see no reason why we cannot rely upon this clear, unequivocal statement. We assume that the attorneys for the class representatives are fulfilling their obligations to the class members and that these attorneys would be aware of, and advise us of, any class member seeking to recover lost profits.

We do not believe that it is necessary to enter an order barring any named plaintiff or class members from asserting any claims for damages other than for alleged overcharges. As for defendants' argument that, if claimants intend to assert consequential damage claims, then defendants are entitled to the requested financial data from all plaintiffs, we need not reach it until such time as we are advised that any plaintiff seeks consequential damages.

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For the reasons stated, it is therefore ordered that plaintiffs' motion to modify or vacate the portion of Pretrial Order No. 24 ordering plaintiffs to produce certain financial information sought in Revised Request No. 16 is hereby granted.


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

May 5, 1978.